

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 FIRAS DJELASSI,

10 Petitioner,

11 v.

12 ICE FIELD OFFICE DIRECTOR,

13 Respondent.

14 Case No. C19-491-RSM-MLP

15 ORDER DIRECTING PETITIONER
16 TO ESTABLISH FINANCIAL
17 ELIGIBILITY FOR APPOINTMENT
18 OF COUNSEL

19 Petitioner filed this 28 U.S.C. § 2241 immigration habeas action *pro se* to obtain release
20 from immigration detention or a bond hearing. He has been detained without a bond hearing
21 since May 21, 2018. The Government has moved to dismiss, arguing that Petitioner is lawfully
22 detained under 8 U.S.C. § 1225(b)(1) and that his continued detention does not violate due
23 process. (Dkt. # 7.) Petitioner did not file a response.

Having reviewed the Government's motion to dismiss, the Court concludes that because
of the complex issues involved in this case, the interests of justice require that the Office of the
Federal Public Defender be appointed to represent Petitioner in this matter. *See* 18 U.S.C. §
3006A(a)(2)(B). The statute, however, also requires a habeas petitioner to establish that he is

1 financially eligible for appointment of counsel, and there is no information in the record
2 regarding Petitioner's financial eligibility. Accordingly, the Court ORDERS:

3 (1) On or before **July 31, 2019**, Petitioner shall file an application to proceed *in*
4 *forma pauperis* with the Court. If the *in forma pauperis* application establishes Petitioner's
5 financial eligibility for the appointment of counsel, the Court will appoint the Office of the
6 Federal Public Defender to represent Petitioner in this matter.

7 (2) The Clerk is directed to send Petitioner a copy of this order and an application to
8 proceed *in forma pauperis*. The Clerk also is directed to send copies of this order to counsel for
9 respondent, the Office of the Federal Public Defender, and the Honorable Ricardo S. Martinez.

10 (3) The Clerk shall RE-NOTE the Government's motion to dismiss (Dkt. # 7) for July
11 31, 2019. If the Court appoints the Office of the Federal Public Defender to represent Petitioner,
12 it will re-note the motion to dismiss to allow for additional briefing.

13 Dated this 9th day of July, 2019.

14 
15

16 MICHELLE L. PETERSON
United States Magistrate Judge
17
18
19
20
21
22
23